

**SPECIAL MEETING**  
**AGENDA**

Wednesday, September 20, 2006      7:15 P.M.  
Meeting Room 213  
Darien Town Hall, 2 Renshaw Road  
Darien, Connecticut

**EXECUTIVE SESSION**

To discuss pending litigation with Town Attorneys John Louizos, Jim Murphy, Wayne Fox and/or Planning and Zoning Director Jeremy Ginsberg.

**REGULAR MEETING  
AGENDA**

Wednesday, September 20, 2006 7:45 P.M.  
Public Meeting Room 206  
Darien Town Hall, 2 Renshaw Road  
Darien, Connecticut

**GENERAL MEETING**

1. Discussion, deliberation and possible authorization for Town Attorneys Jim Murphy, John Louizos, Wayne Fox and/or Planning and Zoning Director Jeremy Ginsberg to settle specific pending litigation.

**CONTINUATION OF PUBLIC HEARING**

**CALENDAR NO. 58-2006**

Opened on July 19, 2006 and continued (with written authorization of the applicant) to tonight, September 20, 2006. The seated ZBA members for this request are Dick Sanford, Vic Capellupo, Al Tibbetts, Gary Greene and Chuck Deluca. Everett Drugge has reviewed the application materials, the tape recording of the July 19<sup>th</sup> segment of the hearing, and the submitted documents in order to be fully informed of this request as necessary. If the ZBA determines to continue this hearing further the applicant would have to provide an additional extension (up to 100 total days) allowing the ZBA to continue this hearing until October 27, 2006. The regular October meeting is scheduled for October 18, 2006.

The application of Gleason & Associates LLC on behalf of Kai Young and Paul and Tracy Simms filed on June 21, 2006 for variances of Sections 334 and 406 of the Darien Zoning Regulations, to allow the construction of an exterior staircase; Section 334: construction on a portion of the lot with 73.0 in lieu of 100.0 feet

minimum required lot depth; and Section 406: 28.2 in lieu of 30.0 feet minimum required front yard setback. The property is situated on the west side of Mansfield Avenue approximately 45 feet south of the intersection of Mansfield Avenue and Prospect Avenue and is shown on Assessor's Map #17 as Lot #17, being 67 Mansfield Avenue and located in an R-1/3 (residential) Zone.

## **PUBLIC HEARINGS**

### **CALENDAR NO. 52-2006**

The applicant has provided a written extension authorizing the ZBA to open this hearing in September. The application was submitted in May. However, the applicant requested more time to complete the plans. The ZBA may open this hearing tonight (September 20, 2006) and continue it for 35 days if necessary.

The application of Lance E. Zimmerman on behalf of Joe Minichini filed on May 24, 2006 for an interpretation of Section 385 and variations of Sections 334 and 406 of the Darien Zoning Regulations to allow the construction of a replacement two and one half story dwelling. Section 385: a determination that the subject lot is a legal nonconforming building lot; Section 406: 10,000 in lieu of 14,520 square feet minimum required lot size; and Section 334: construction on a building lot with 50.0 in lieu of 80.0 feet minimum required lot width. The property is situated on the west side of Fairfield Avenue approximately 600 feet north of the intersection of Fairfield Avenue and West Avenue and is shown on Assessor's Map #21 as Lot #35, being 25 Fairfield Avenue and located in an R-1/3 (residential) Zone.

### **CALENDAR NO. 54-2006**

The applicant has provided a written extension authorizing the ZBA to open this hearing in September. The application was submitted in May. However, the applicant requested more time to speak with neighbors. ZBA staff Legally Noticed the request and informed the applicant of this September 20, 2006 scheduled hearing. However neighbor notification was not done. October 1, 2006 is the maximum 130 day limit after the filing date to open a properly noticed and neighbor notified hearing. Therefore ZBA staff has advised the applicant and owner that this application will have to be withdrawn or the ZBA will have to Deny the application without prejudice.

The application of Robert F. Maslan on behalf of Corinne Collins filed on May 24, 2006 for a variances of Section 406 of the Darien Zoning Regulations, to allow

the construction of a one and one-half story addition to the residence and a replacement one and one-half story detached garage; Section 406: 27.5 in lieu of 40.0 feet minimum required rear yard setback for the addition; and 7.0 in lieu of 40.0 feet minimum required rear yard setback for the garage. The property is situated on the north side of Juniper Road approximately 900 feet east of the intersection of Nearwater Lane and Juniper Road and is accessed by a driveway situated on the east side of Nearwater Lane approximately 700 feet north of the intersection of Nearwater Lane and Juniper Road and is shown on Tax Assessor's Map #57 as Lot #11, being 114 Nearwater Lane and located in an R-1 (residential) Zone.

#### **CALENDAR NO. 64-2006**

The application of Paul and Sheila Schreyer on behalf filed on August 23, 2006 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a second story addition; Section 406: 7.2 in lieu of 30.0 feet minimum required front yard setback. The property is situated on the south side of Miller Road at the southeast corner formed by the intersection of Miller Road and Hoyt Street and is shown on Assessor's Map #29 as Lot #62, being 2 Miller Road and located in an R-1/3 and R-1/2 (residential) Zone.

#### **CALENDAR NO. 65-2006**

The application of Elizabeth Harrington-Howes and Susan H. Hamill filed on August 23, 2006 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of second story, two story, and one story covered front porch additions; Section 406: 18.2 in lieu of 30.0 feet minimum required front yard setback; 9.5 in lieu of 13.0 feet minimum required side yard setback relative to the south property line; 12.0 in lieu of 15.5 feet minimum required side yard setback relative to the north property line; and 21.5 in lieu of 25.0 feet minimum required total of two side yards setback for the new construction. The property is situated on the west side of Fairfield Avenue approximately 650 feet north of the intersection of Fairfield Avenue and West Avenue and is shown on Assessor's Map #21 as Lot #36, being 27 Fairfield Avenue and located in an R-1/3 (residential) Zone.

**CALENDAR NO. 66-2006**

The application of Mark S. Lebow c/o William W. Seymour on behalf of Christian Browning and Kathleen Browning filed on August 23, 2006 for a variance of Section 406 if necessary of the Darien Zoning Regulations, to allow the existing residence to remain relative to a proposed revised lot line; Section 406: 7.4 in lieu of 10.4 feet minimum required side yard setback relative to the north property line; and for an interpretation of Section 385 and variation of Section 334 of the Darien Zoning Regulations to allow the construction of a replacement two and one half story dwelling. Section 385: a determination that the subject lot is a legal nonconforming building lot with 10,120 in lieu of 14,520 square feet minimum required lot size; Section 334: construction on a building lot with 58.6 in lieu of 80.0 feet minimum required lot width. The property is situated on the west side of Greenwood Avenue approximately 500 feet north of the intersection of Greenwood Avenue and Camp Avenue and is shown on Assessor's Map #8 as Lot #146, being 17 Greenwood Avenue and located in an R-1/3 (residential) Zone.

**CALENDAR NO. 67-2006**

The application of Gleason & Associates on behalf of Mary M. Caputo Estate filed on August 23, 2006 for an interpretation of Section 385 of the Darien Zoning Regulations; Section 385: a determination if the subject lot is a separate legal nonconforming building lot or if it has merged with the adjacent 80 Hecker Avenue property. The property is situated on the south side of Hecker Avenue approximately 100 feet west of the intersection of Hecker Avenue and Ash Street and is shown on Assessor's Map #41 as Lot #28, being 78 Hecker Avenue and located in an R-1/5 (residential) Zone.

**CALENDAR NO. 68-2006**

The application of Gleason & Associates LLC on behalf of Palmer Trust and Commerce Bank filed on August 23, 2006 for a variance of Section 926 of the Darien Zoning Regulations, to allow the installation of a pole sign; Section 926: 12.0 in lieu of 30.0 feet minimum required front yard setback. The property is situated on the east side of Noroton Avenue opposite Heights Road and approximately 200 feet north of the intersection of Ledge Road and Noroton Avenue and is shown on Assessor's Map #40 as Lots #31 and 32, being 164 Noroton Avenue and located in an SB (commercial) Zone.

## GENERAL MEETING

**This portion of the meeting is not a Public Hearing. Applicants and other interested parties are welcome to quietly observe the ZBA and staff fulfilling their legal responsibilities for the overall benefit of the community. Any expression from the audience is inappropriate and constitutes grounds for tabling the matter referred to or denying it without prejudice.**

1. Requested amendment to the resolutions of Calendar Numbers 87-1997 and 100-1997, Thomas E. Golden Jr on behalf of 169 Noroton Avenue LLC and Georgia von Schmidt, 1910 Boston Post Road.
2. Requested amendment to the approved plans of Calendar No. 79-2002, Tracy Simms, 67 Mansfield Avenue.
3. Discussion, deliberation and possible decisions for Public Hearing request items listed above.
4. Requested extension (received August 8, 2006) to obtain all required permits and begin on-site construction for ZBA Calendar No. 9-2006, Mr. and Mrs. Thomas Maguire, 9 Sylvan Road. The Public Hearing of this matter was January 25, 2006. Initial ZBA approval would have expired on August 9, 2006.
5. Requested amendment to the approved plans of Calendar No. 31-2006, Elizabeth Herling, 13 Raymond Heights.
6. Requested three month extension to obtain all required permits and begin on-site construction for ZBA Calendar No. 39-2005, Krzysztof & Iwona Dziedzic, 22 Cherry Street. The Public Hearing of this matter was May 25, 2005. Initial ZBA approval would have expired on December 9, 2005. Following a November 18, 2005 request, on November 30, 2005 the ZBA granted a 6 month extension to June 9, 2006. Following a subsequent April 13, 2006 request, on April 19, 2006 the ZBA granted an additional 3 month extension to September 9, 2006.
7. General discussion of Application Materials.
8. Any other business (a 2/3, i.e. 67%, favorable vote of members present and voting is required to add an item to the agenda).